

California Regional Water Quality Control Board
Santa Ana Region

April 26, 2002

ITEM: 15

SUBJECT: Appeal for an Exemption from the Big Bear Valley Waste Discharge Prohibition, Robert McMillen, South of Rim of the World Drive, Big Bear Lake Area, San Bernardino County, APN 304-021-09

DISCUSSION:

On February 14, 2002, Mr. McMillen submitted a letter requesting approval for the use of a septic tank-subsurface disposal system on his property located at South of Rim of the World Drive in the Big Bear Lake area (see attached map). The parcel (APN 304-021-09) is approximately 37.92 acres in size. A single-family house is proposed to be constructed on this lot, to be serviced by a septic tank-subsurface disposal system. The proposed development is within the San Bernardino County CSA-53-B service area. County CSA-53-B staff has advised Board staff that there is a sewer line within 200 feet of Mr. McMillen's lot which could service his property. However, due to the topography of the property, a sewer pump station would need to be installed. In addition, a sewer line from Mr. McMillen's lot would have to cross over Grout Creek in order to connect to the community sewer line.

On March 13, 1973, the Regional Board adopted a waste discharge prohibition pertaining to the use of subsurface disposal systems in the Big Bear Valley. The Board also established exemption criteria for the continuing use of subsurface disposal systems in the prohibition area. In accordance with these criteria, Board staff may grant an exemption from the prohibition only for lots outside the County CSA-53-B boundaries, and provided that subsurface system discharges at these lots would not individually or collectively, directly or indirectly, affect water quality. No exemptions are to be granted by staff for any dwelling within 200-ft of an existing sewer designed to serve the lot. Since the lot is within the County's CSA-53-B boundaries, and because there is a sewer line within 200' of the lot, Regional Board staff denied Mr. McMillen's request for an exemption from the waste discharge prohibition. Mr. McMillen has requested an appeal of staff's decision to the Regional Board.

Regional Board staff reviewed the project and considered the following factors:

1. The lot size is 37.92 acres.
2. Only one single family residence and barn will be built on the lot.
3. Construction of the sewer line to connect this lot to the community sewer line would require crossing Grout Creek, a perennial stream. The Department of Fish and Game has indicated its opposition to such a crossing.

4. Use of the subsurface disposal system should not adversely impact water quality, provided that an acceptable soils percolation report is submitted.

Based on the above, staff recommends that an exemption from the Big Bear Valley waste discharge prohibition be granted for the lot when a County approved soils percolation report is submitted demonstrating that the lot is suitable for subsurface disposal system use. The exemption should specify that only one single-family dwelling and barn are to be constructed on the lot.

RECOMMENDATION:

Approve Robert McMillen's request for an exemption and direct staff to issue an Attachment "A", contingent on the submission of an acceptable soils percolation report, and with the condition that only one single-family dwelling and barn will be constructed on the lot.

Comments were solicited from the following:

State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon
San Bernardino County Department of Environmental Health Services – Scott Maass
San Bernardino County Department of Building and Safety – Barbara Johnston
San Bernardino County Special Districts, Water & Sanitation Division – Kathy I. Whalen